

Exhibit 5

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LAW OFFICES OF SANJAY CHAUBEY

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March 22, 2022.

Via ECF

The Honorable P. Kevin Castel
United States District Court
Southern District of New York
Courtroom 11D
500 Pearl Street
New York, NY 10007.

*Anand and his DBAs have
not demonstrated that the
default was not willful nor have
they demonstrated meritorious
defense. File an affidavit
by March 28, 2022.*

Re: *Donnelly et al v. Anand et al*, Case No: 1:21-cv-09562-PKC

Sub: Reply to Plaintiff's Attorney Opposition to Request Extension of Time on behalf of
Defendants, Jonathan Anand and DBAs

*SO ORDERED
[Signature]
USDS
3-22-22*

Dear Judge Castel:

This firm represents Defendants, *Jonathan Anand*, individually and doing business as *Homeless Penthouse*, *Penthouse Theory*, *Hideout NYC*, and *Incognito* ("Defendants"/ "Anand & DBAs") in the above-referenced matter. This afternoon, after speaking with Russell I. Zwerin, counsel for Plaintiff, we had submitted a letter motion (Dkt. #62) requesting Extension of Time to file an answer and/or any other pre-answer motion, addressed to Magistrate Judge Barabara C. Moses.

When we had contacted the counsel for Plaintiff, we advised them that the Defendant, Anand had not been served as per the Federal Rules of Civil Procedure, and that we had not seen any Affidavit of Service. Since the dates were not provided, we concede that the Affidavit of Service filed at Dkt. #36 and #37 were either overlooked or inadvertently missed. In fact, the Affidavit of Service filed also provides two different addresses which are not the addresses for Jonathan Anand. In fact, Jonathan Anand usually resides abroad, and whenever he is in the United States, he resides in the State of Virginia, US.

No misrepresentation or falsehood as alleged by the Plaintiff's counsel was made during the conversation. I believe it was a professional and cordial conversation. In fact, the alleged action was neither intentional nor deliberate.

However, in this letter we are not discussing the merits of Affidavit of Service nor the alleged Service upon Defendant, Anand, we are simply requesting Extension of Time to file a meaningful and meritorious answer to the Complaint filed by the Plaintiff. Since Defendant had no knowledge nor was served with the papers until about last week, the Defendant was only able to retain us thereafter. There is a reasonable excuse for the Defendant's default, and has meritorious defenses in request for extension for filing the answer.

We sincerely apologize if we had conveyed our request in the manner offensive to Plaintiff's counsel with assurance that such action will not be repeated in any manner whatsoever.

We respectfully submit this request on behalf of Defendants, Anand & DBAs, in good faith, and without any intention of undue delay. If granted, the extension will not affect any other scheduled dates.

Sincerely,

_____/s/_____

Sanjay Chaubey, Esq. (SC-3241)
Attorney for the Defendants

*Jonathan Anand, individually and doing business as
Homeless Penthouse, Penthouse Theory, Hideout NYC, and Incognito*

cc: All Counsel of Record (Via ECF)